

Message

From: Otis, Andrew D. [aotis@curtis.com]
Sent: 11/24/2015 12:01:55 AM
To: Chalfant, Mark [Chalfant.Mark@epa.gov]
CC: Cirian, Mike [Cirian.Mike@epa.gov]; Wilder, Scott [Wilder.Scott@epa.gov]; Madigan, Andrea [Madigan.Andrea@epa.gov]; Vranka, Joe [vranka.joe@epa.gov]
Subject: RE: Anaconda/CFAC--Revised Final AOC as of 11/23/2015

Mark,

I acknowledge the change in the Montana DEQ project officer from Keith Large to Lisa DeWitt. I have no objection to you using white out to change the page number of the CFAC signature page.. I thought of that and tried to call you to discuss.

An alternative is to add a page to the AOC at the end that says "This page intentionally left blank" and then the page numbers of the signature pages will match the page number of the CFAC signature page. I willing to accept either way that you choose to do it.

Best regards,

Andrew

From: Chalfant, Mark [mailto:Chalfant.Mark@epa.gov]
Sent: Monday, November 23, 2015 6:58 PM
To: Otis, Andrew D.
Cc: Cirian, Mike; Wilder, Scott; Madigan, Andrea; Vranka, Joe
Subject: RE: Anaconda/CFAC--Revised Final AOC as of 11/23/2015

Mr. Otis:

Thank you for your confirmatory email regarding the changes to the AOC language. Please find attached the final version in both Word and pdf files. I have revised the AOC to specify Lisa DeWitt as the State Project Officer. Appendices A-C are now closed.

I wish to thank you for promptly returning the CFAC AOC signature page. One quick question—I would like to use 'white out' to change the page number of Ms. Driscoll's signature page from 34 to page 33 so the page numbering is aligned with the final version of the AOC. Do you have any objection to EPA manually typing in the correct page number from the final version?

I will send you the final executed version of the AOC when it becomes available.

If you have any questions, please contact Ms. Madigan at 303-312-6177. I can also be reached on my personal cell.

Thank you again and I hope you and your family have a splendid Thanksgiving Holiday.

Mark

From: Otis, Andrew D. [mailto:aotis@curtis.com]
Sent: Monday, November 23, 2015 4:10 PM
To: Chalfant, Mark

Cc: Cirian, Mike; Wilder, Scott; Madigan, Andrea

Subject: RE: Anaconda/CFAC--Revised Final AOC as of 11/23/2015

Dear Mark,

Thanks very much for that information. The effective date and the CERCLA docket number will be inserted into the LOC once they are available and the LOC will be executed. CFAC will provide the executed LOC to EPA in accordance with the AOC.

CFAC is willing to accept the changes to the AOC language that you proposed in the FINAL_REVISED version of the AOC. With this and subject to the clarifying question below, it is my understanding that the AOC, the RI/FS Work Plan that will be Appendix A to the AOC, the site map which will be Appendix B of the AOC and the description of the form of financial assurance that will be Appendix C of the AOC are all closed.

CFAC has one clarifying question: The Montana DEQ contact listed in paragraph 35 of the AOC is Keith Large. The Montana DEQ contact listed in the SAP is Lisa DeWitt. Please verify that this is correct, change the AOC as necessary of let us know if the SAP should be changed.

Attached is a pdf of the CFAC AOC signature page signed by CFAC Corporate Secretary Cheryl Driscoll. I will be sending the original signature page to the address below tomorrow or Wednesday.

U.S. EPA Region 8
Mailstop: 8ENF-L
1595 Wynkoop Street
Denver, CO 80202
Tel. 303-312-6177

Please send me the fully executed AOC with CERCLA docket number and Effective Date when available.

I understand from John Stroiazzo that a call is planned between EPA and CFAC on Wednesday to discuss press strategy.

I have taken the liberty of copying Andrea Madigan on this email to ensure that she also receives the signature page.

Please feel free to contact me if you have any questions or need anything else from CFAC.

Thanks for all of your good work.

Best regards,

Andrew

From: Chalfant, Mark [<mailto:Chalfant.Mark@epa.gov>]

Sent: Monday, November 23, 2015 5:22 PM

To: Otis, Andrew D.

Cc: Cirian, Mike; Wilder, Scott

Subject: RE: Anaconda/CFAC--Revised Final AOC as of 11/23/2015

Mr. Otis:

Thank you for providing EPA with an opportunity to review the revised draft letter of credit. The language matches the EPA model. The effective date and the CERCLA docket number for the AOC will need to be added once the LoC is executed.

Mark

From: Otis, Andrew D. [mailto:aotis@curtis.com]
Sent: Monday, November 23, 2015 1:49 PM
To: Chalfant, Mark
Cc: Cirian, Mike; Wilder, Scott
Subject: RE: Anaconda/CFAC--Revised Final AOC as of 11/23/2015

Mark,

I will review this with my client and get back to you. Meanwhile, please find attached for your review, a revised draft LOC to be attached to the AOC as Exhibit C. Please let me know whether EPA approves this draft financial assurance letter.

Best regards,

Andrew

From: Chalfant, Mark [mailto:Chalfant.Mark@epa.gov]
Sent: Monday, November 23, 2015 3:40 PM
To: Otis, Andrew D.
Cc: Cirian, Mike; Wilder, Scott
Subject: Anaconda/CFAC--Revised Final AOC as of 11/23/2015
Importance: High

Mr. Otis:

I am re-sending a final version of the AOC to you. Although I had stripped out the key provision on past response costs from the AOC, I had neglected to eliminate all of the other references to past response costs as well as interim response costs in the settlement agreement. I have now done that. Attached please find a revised final version of the AOC in a pdf file and a redline version in Word so you can see the changes. I apologize for any confusion.

I understand that we are close to finalizing the RI/FS work plan.

Thank you.
Mark

Mark A.R. Chalfant
Attorney
Legal Enforcement Program
Office of Enforcement, Compliance and Environmental Justice | U.S. EPA Region 8
303.312.6177 | chalfant.mark@epa.gov

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Curtis, Mallet-Prevost, Colt & Mosle LLP (101 Park Avenue, New York, NY 10178)
